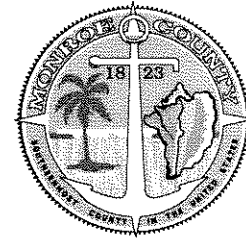


MONROE COUNTY PLANNING DEPARTMENT

We strive to be caring, professional and fair

STAFF REPORT



TO: THE PLANNING COMMISSION

FROM: CLARENCE FEAGIN, Ph.D., AICP, SENIOR PLANNER

THROUGH: AREF JOULANI, PLANNING AND ENVIRONMENTAL RESOURCES

RE: TEXT AMENDMENT TO THE MONROE COUNTY CODE AMENDING SECTION 9.5-22(h)(2): PLANNING COMMISSION MEETINGS, HEARINGS AND PROCEDURE, TO CHANGE ONE OF THE LOCATIONS OF THE REGULARLY SCHEDULED BI-MONTHLY MEETINGS OF THE PLANNING COMMISSION FROM THE MIDDLE KEYS SUB-AREA TO THE LOWER KEYS SUB-AREA

MEETING DATE: March 20, 2007

I. BACKGROUND:

Before 1996 Section 9.5-22(h)(2) of the Monroe County Code (MCC) provided that regularly scheduled bi-monthly meetings of the Planning Commission were to rotate between the Lower Keys and Upper Keys sub-areas. However, in 1996, due to greater case loads requiring public hearings in the Middle Keys, the MCC was amended to change the locations of the bi-monthly meetings to rotate between the Middle Keys and Upper Keys sub-areas, in order to provide services to affected property owners on matters requiring public hearings relating to minor or major conditional uses, variances, and administrative appeals. Consequently, since 1996 the size of the land area and population in the unincorporated middle keys sub-area has diminished due to the incorporation of Islamorada and the City of Marathon. This has resulted in a decrease in public service needs in the Middle Keys and a lessening of case loads that require public hearings for property owners affected by land use decisions.

The purpose of this text amendment is to provide more efficient service to Monroe County residents, in consideration of new issues that have arisen due to changed projections and assumptions regarding public service needs and demographic trends since the incorporation of Islamorada Village of Islands and the City of Marathon, which removed a majority of the Middle Keys sub-area from the County's jurisdiction over land use regulations.

1 **A. Characteristics of the proposed text amendment**

- 2 (i) The proposed text amendment deletes the Middle Keys sub-area from one
3 of the required locations of the regularly scheduled bi-monthly Planning
4 Commission meetings and changes it to the Lower Keys sub area.
- 5 (ii) The proposed text amendment provides flexibility to the Planning
6 Commission to use its discretion to schedule special meetings in the
7 Middle Keys sub-area for matters requiring public hearings nearest to
8 property owners affected by decisions relating to minor or major
9 conditional uses, variances, and administrative appeals.
- 10 (iii) The proposed text amendment provides flexibility to the Planning
11 Commission to use its discretion to schedule special meetings in the
12 Middle Keys sub-area for matters not related to specific properties, such as
13 text amendments to the MCC and comprehensive plan amendments.

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15 **II. ANALYSIS**

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17 **A. County requirements for changes to the land development regulations.**

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19 Article XI of Chapter 9.5 sets forth the requirements for amending the text of the land
20 development regulations. Specifically, Sec. 9.5-511(d)(5)b sets forth six (6) criteria for
21 amending the land development regulations, at least one of which must be met. Three (3)
22 of the six (6) criteria support the proposed amendment;

- 23
24 (i) changed projections regarding public service needs,
25 (ii) changed assumptions regarding demographic trends, and
26 (iv) new issues.

27
28 (i) Changed projections (e.g., regarding public service needs) from those on which the
29 text or boundary was based.

30
31 Due to the incorporations of Islamorada and the City of Marathon, the boundary
32 of the Middle Keys Sub-County Area has diminished in size, resulting in a
33 smaller area in which the County has jurisdiction over land use regulations.
34 Consequently, the demand for public services in the Middle Keys sub-area has
35 diminished regarding the need for public hearings on items affecting specific
36 properties, such as minor or major conditional land use approvals, variances, and
37 administrative appeals.

38
39 (ii) Changed assumptions (e.g., regarding demographic trends).

40
41 Similar to (i) above, the diminution of the service area boundary of the Middle
42 Keys has resulted in a change in the demographics of the population being served
43 by the County. Due to the incorporation of Islamorada and the City of Marathon,
44 the remaining public service area boundary over which the County has
45 jurisdiction regarding land use decisions encompasses mainly the Upper Keys and

1 Lower Keys sub-County areas. The only areas within the Middle keys sub-area
2 under County jurisdiction are Duck Key, Conch Key, and portions of Long Key,
3 residents of which will have the opportunity to attend regular meetings of the
4 Planning Commission in the Upper Keys sub-area and special meetings in the
5 Middle Keys sub-area as required by public service demand for such meetings.
6

7 (iv) New Issues.

8 Due to the reduction of the Middle Keys sub-area from the incorporations of
9 Islamorada and the City of Marathon, the shift in the number of allocations for new
10 residential and non-residential development to the Lower Keys will increase the
11 requirement for more public services for specific properties in the Lower Keys sub-area,
12 services of which can be met by having one of the regularly scheduled bi-monthly
13 meetings of the Planning Commission in the Lower Keys sub-area.
14
15

16 **B. Consistency with the Comprehensive Plan.**

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18 The proposed text amendment effects a change in administrative procedures and is not
19 related to any specific element of the comprehensive plan.
20

21 **C. Public Welfare Issues.**

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23 Having one of the regularly scheduled bi-monthly meetings of the Planning Commission
24 in the Lower Keys sub-area is in the overriding public interest in that it provides Lower
25 Keys residents the opportunity to travel less distance to attend public hearings on items
26 that may affect the compatibility of land uses for specific properties in their
27 neighborhoods.

28 The ordinance is consistent with the Principles for Guiding Development in the Florida
29 Keys Area of Critical State Concern as a whole and is not inconsistent with any principle.
30 Specifically, the proposed text amendment furthers:

31 *Principle (a): To strengthen local government capabilities for managing land use and*
32 *development so that local government is able to achieve these objectives without the*
33 *continuation of the area of critical state concern designation, in that it furthers the ability of*
34 *Monroe County to manage its own affairs and become more self governing.*

35
36 **D. Benefits to Property Owners:**
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38 The proposed text amendment benefits property owners in the Lower Keys sub-area by
39 providing Lower Keys residents the opportunity to travel less distance to attend public
40 hearings on items that may affect the compatibility of land uses with specific properties
41 in their neighborhoods.
42
43
44

1 **III. PROPOSED REVISION:**

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3 A text amendment to section 9.5-22(h)(2) of the Monroe County code to change one of
4 the regularly scheduled the meeting locations of the Planning Commission to the Lower
5 Keys sub-County area.
6

7 **IV. CONCLUSIONS:**

- 8
9 1. The proposed text amendment is consistent with the criteria in Section 9.5-511
10 of the Monroe County Code for justifying decisions to amend the text.
11
12 2. The proposed text amendment is in the interest of public welfare.
13
14 3. The proposed text amendment is not related to any specific element of the
15 comprehensive plan, and only involves a change in administrative procedures.
16
17 3. The proposed text amendment is consistent with the Principles for Guiding
18 Development in the Florida Keys Area of Critical State Concern as a whole,
19 and is not inconsistent with any principle.
20

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22 **V. RECOMMENDATION:**

23 Staff recommends approval.
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